

PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER
March 12, 2019 – 5:30 P.M.

Before calling the meeting to order, Chairman Keesee asked everyone to stand for the Pledge of Allegiance. On roll call, the following commissioners were present: Don Keesee, Richard Morris, Shane Laster, Vicki Newton, Kelly Wilson, Ret Taylor, Marshall Sharpe, and Bob Cooper. Griffin Hanna was absent.

Chairman Keesee then called for a motion on the minutes from the February 12, 2019, meeting. Commissioner Taylor moved, seconded by Commissioner Sharpe, to approve the minutes as submitted.

Mr. Wally Bailey spoke on the procedures.

1. Rezoning #3-2-19; A request by Carroll King, owner, for zone change from not zoned to a Planned Zoning District (PZD) at 7704, 7708 and 7714 Fort Chaffee Boulevard (Tabled February 12, 2019 & March 12, 2019)

Chairman Keesee introduced item 1. He stated that this item had been tabled at the February meeting to allow time for land use issues to be worked out with the Fort Chaffee Redevelopment Authority's Real Estate Committee. Chairman Keesee indicated that a meeting of the Real Estate Committee had been scheduled for the following week to discuss the issues and make a recommendation to the FCRA Board. As a result, he stated that he did not believe there was a need for the commission to take action of this item and asked that the planning commission consider tabling the item. Commissioner Morris moved, seconded by Commissioner Sharpe to table the request.

No one was present to speak in favor or opposition of the application.

There was no discussion on the item. The vote was 7 in favor to table the application and 1 abstention (Cooper).

2. Conditional Use #6-3-19; A request by Daniel Comstock, owner for an amendment to the original signage restrictions as required by Conditional Use #3-2-18 at 314 and 316 Lexington Avenue

Chairman Keesee introduced item 2. Ms. Maggie Rice read the staff report indicating approval of the conditional use would allow the salon to install a 4' x 6' neon wall sign on the north façade of the building. Ms. Rice stated that a neighborhood meeting was held Monday, February 25, 2019, on site with no neighboring property owners attending the meeting. She stated that staff received a phone call from a neighboring property owner in support of the request.

Daniel Comstock was present to represent the application. No one was present in opposition of the application.

Chairman Keesee called for a motion on the conditional use. Commissioner Cooper moved, seconded by Commissioner Wilson, to approve the request, subject to the following staff comments:

1. The signage shall be limited to the requested wall sign with a maximum of 24 square feet in area.
2. The following conditions previously approved with Conditional Use #3-2-18 still apply:
 - a) Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
 - b) Dumpsters must be screened in accordance with the UDO.
 - c) All new exterior lighting must comply with the UDO lighting requirements.

There being no discussion. Chairman Keesee called for a vote on the motion to approve the conditional use with staff comments. The vote was 8 in favor and 0 opposed. Chairman Keesee announced the conditional use was approved.

3. Rezoning #4-3-19; A request by Brett Abbott, agent for Jerry Crawford, for Planning Commission consideration of a zone request from not zoned to Planned Zoning District (PZD) by classification located at 7309 Terry Street.

Chairman Keesee introduced item 3. Ms. Brenda Andrews read the staff report indicating the approval of the zoning request would allow for the remodel of an existing 3,000 s.f. building for an office. Ms. Andrews stated that the subject property is on the southeast side of Terry Street between Ward Avenue and Darby Avenue. The tract contains an area of 0.27 acres of property and is within the Chaffee Crossing Mixed Use Historic Area. She stated that the PZD is intended to utilize this building as offices for GO YE Employment Agency. She stated that a neighbor meeting was held on Thursday February 21, 2019, at 6:00 P.M. at 2321 Rogers Avenue. No surrounding property owners attended the meeting. Ms. Andrews stated that staff recommended approval of the application subject to Mr. Abbot making a few minor edits on the PZD Booklet.

Brett Abbott was present to represent the application. No one was present in opposition of the application.

Chairman Keesee called for a motion on the application. Commissioner Taylor, seconded by Commissioner Laster, to approve the request, subject to the staff comments. Chairman Keesee called for a vote on the motion to approve the item with staff comments. The vote was 7 in favor and 1 abstention (Cooper). Chairman Keesee announced the zoning was approved.

4. Rezoning #5-3-19; A request by Brett Abbott, agent for Wade Pressley, for a zone change from not zoned to a Planned Zoning District (PZD) at 7601 Veterans Avenue.

Chairman Keesee introduced item 4. Ms. Brenda Andrews read the staff report indicating the approval of the zoning request would allow for the remodel of an existing building as an office and storage area. Ms. Andrews stated that the subject property is on the east side of Veterans Avenue south of Roberts Boulevard. The tract contains an area of 2.25 acres with approximately 221 feet of street frontage along Veterans Avenue and located within the Chaffee Crossing Mixed Use: Industrial/Office Area. A neighborhood meeting was held Monday, February 25, 2019, at 7601 Veterans Avenue. No neighboring property owners were in attendance. Ms. Andrews stated that staff recommended approval of the application subject to Mr. Abbot making a few minor edits on the PZD Booklet.

Chairman Keesee called for a motion on the application. Commissioner Taylor, seconded by Commissioner Wilson, to approve the request, subject to staff comments. There being no discussion. Chairman Keesee called for a vote on the motion to approve the item with staff comments. The vote was 8 in favor and no opposition. Chairman Keesee announced the zoning was approved.

5. Subdivision Variance #1-3-19; A request by Ricky Hill, agent for Gail Ragains, for variance from UDO section 27-504-3 (Private Access Easement) at 3306 Free Ferry Road.

Chairman Keesee introduced item 4. Ms. Brenda Andrews read the staff report indicating the approval of the zoning request would allow a private vehicular access easement approximately 142' x 62' on the approved Lewis Tract 3 for ingress and egress for future construction of a single family house. It will also utilize an existing driveway that will be shared with the proposed Tract 2. Ms. Andrews stated that the subject property is on the south side of Free Ferry Road and the North Side of Rogers Avenue and contains 1.60 acres with 142 feet of frontage on Rogers Avenue. Ms. Andrews stated that the future residence will not be permitted to have a driveway on Rogers Avenue due to UDO Section 27-503-2, which prohibits single family residences access on any street classified as a Major Arterial. She stated that staff recommended approval subject to 1) Approval is subject to the submitted site plan/plat; and 2) The access easement shall be utilized for a single family residence only.

Ricky Hill was present to represent the application. No one was present in opposition of the application. Jack Green, 4205 Free Ferry Road, asked if property zoned RS-1 could be zoned. Staff confirmed that properties zoned could be zoned provided they met the area and bulk requirements.

Chairman Keesee called for a motion on the application. Commissioner Morris, seconded by Commissioner Newton, to approve the request, subject to staff comments.

Chairman Keesee called for a vote. The vote was 8 in favor and no opposition. Chairman Keesee announced the item was approved.

6. Off-Site parking; A request by Jerry Jenkins for a remote parking agreement at 3400 South 74th Street.

Chairman Keesee introduced item 6. Ms. Brenda Andrews read the staff report indicating the approval of the off-site parking request would allow the existing medical clinic property located west of the site and owned by 1913 Capital, LLC to utilize 12 parking spaces from Joe's Grill and Cantina between 6 a.m. to 6 p.m. Monday through Friday. Ms. Andrews stated that the factors relating to remote parking include:

1. Remote Parking must be located within 300 feet of the facility it serves.
2. The parking agreement must be approved by the Planning Commission and filed with the Sebastian County Clerk. Any change to the agreement must be approved by the Planning Commission.

Jerry Jenkins was present to represent the application. No one was present in opposition of the application.

Chairman Keesee called for a motion on Off-Site Parking. Commissioner Cooper moved, seconded by Commissioner Taylor, to approve the request. Chairman Keesee called for a vote. The vote was 8 in favor and 0 opposition. Chairman Keesee announced the request was approved.

7. Off-Site parking; A request by Travis Brisendine, agent for Scott Clark, for a remote parking agreement at 4830 Leigh Avenue.

Chairman Keesee introduced item 7. Ms. Brenda Andrews read the staff report indicating the approval of the off-site parking request would allow Scott Clark to construct a new 34 space gravel parking lot on property owned by the Fort Smith Airport Commission to be utilized as employee and overflow parking for Sodie's Wine and Spirits 5401 Phoenix Avenue as well as the other businesses on Leigh Ave Business Park, Lot 2. Ms. Andrews stated that the parking lot will have perimeter landscaping and parking lot screening as well as interior landscaping. Ms. Andrews stated that the factors relating to remote parking include:

1. Remote Parking must be located within 300 feet of the facility it serves.
2. The parking agreement must be approved by the Planning Commission and filed with the Sebastian County Clerk. Any change to the agreement must be approved by the Planning Commission.

Travis Brisendine was present to represent the application. No one was present in opposition of the application.

Chairman Keesee called for a motion on the request. Commissioner Cooper moved, seconded by Commissioner Laster, to approve the request subject to the following staff comments:

- 1) Plans for the proposed crosswalk must be submitted for review and approval by the City Street Department.
- 2) Compliance with ARDOT requirements.
- 3) Submittal of a landscape plan during the building permit process that provides details on the plant species, sizes, and quantities in compliance with the UDO.
- 4) Submittal of irrigation plans or a maintenance plan for the landscaping.

Chairman Keesee called for a vote. The vote was 8 in favor and 0 opposition. Chairman Keesee announced the request was approved.

8. Home Occupation #1-3-19; A request by Joanita Logan owner, for an appointment only in home salon at 3606 Roosevelt Road.

Chairman Keesee introduced item 8. Ms. Maggie Rice read the staff report indicating the approval of the home occupation request would allow the operation of an appointment only hair salon at the applicant's residence. A neighborhood meeting was held on Friday, February 22, 2019, at 3:00 p.m. on site. No neighboring property owners attended the meeting.

Joanita Logan was present to represent the application.

Chairman Keesee called for a motion on the Home Occupation. Commissioner Taylor moved, seconded by Commissioner Morris, to approve the request, subject to the following staff recommendations:

1. The business license cannot be transferred to another residence without a new Home Occupation Application.
2. Compliance with UDO Home Occupation Requirements - Section 27-338-4F .

Chairman Keesee called for a vote. The vote was 8 in favor and no opposition. Chairman Keesee announced the item was approved.

RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT

9. Variance #7-3-19; A request by Jamie Glidewell, agent for James Glidewell, for an interior side-yard setback from 100' to 35' at 5701 Steep Hill Rd, Building A.

Chairman Keesee introduced item 9. Ms. Maggie Rice read the staff report indicating the approval of the variance request would allow for a 2,400 s.f. addition to an existing warehouse. Ms. Rice added the subject property is on the north side of Steep Hill Road between Old Highway 71 and Steep Hill Cutoff Road and contains an area of 19.89 acres with approximately

460 feet of street frontage along Steep Hill Road. Ms. Rice stated that the property is located in the City's Extraterritorial Jurisdictional Area and zoned ETJ Industrial Moderate. She indicated that ETJ I-2 zoning district requires a 100' setback when abutting residential zoning districts. Ms. Rice stated that the property to the west was undeveloped but zoned Residential Estate One (RE-1).

Jamie Glidewell was present to represent the application. There was no one present to speak in opposition of the application.

Chairman Keesee called for a motion on the variance. Commissioner Wilson moved, seconded by Commissioner Sharpe, to approve the request. There was no discussion.

The chairman then called for a vote. The vote was 8 in favor and no opposition. Chairman Keesee announced the item was approved.

10. Variance #8-3-19; A request by Jo Hardy, agent for Firstar Bank, from 10' to 1' minimum distance between a monument sign and a property line at 6200 Massard Road.

Chairman Keesee introduced item 10. Ms. Maggie Rice read the staff report indicating approval of the variance request would allow the placement of a monument sign on Massard Road and a monument sign on Huntington Circle. She stated that each sign was 6' x 8'. Ms. Rice stated that the property was located in the Massard/Zero Street Overlay District, which requires signs to be placed at least ten (10) feet from the street right of way. Because of conflicts with utility easements on the east and north sides of the property, the signs cannot be placed at the ten (10) foot setback. Ms. Rice stated that the signs will also require approval of a Temporary Revocable License.

Jo Hardy was present to represent the application.

Chairman Keesee called for a motion on the variance. Commissioner Cooper moved, seconded by Commissioner Newton, to approve the request, subject to the following staff comments:

1. The Variance is approved based on the submitted site plan
2. Approval of a temporary revocable License

The chairman called for a vote. The vote was 8 in favor and no opposition. Chairman Keesee announced the item was approved.

11. Variance #9-3-19; A request by Brett Abbott, agent for Keith Lau, for a variance from 9,600 s.f. to 9,260 s.f. minimum lot size at 1001, 1011, 1021 North 49th Street.

Chairman Keesee introduced item 11. Ms. Brenda Andrews read the staff reports for the variance as well as the reports for the items 12, 13 and 14. She indicated that approval of the variance request and companion applications would facilitate the development of six duplexes (12 dwelling units) and the subdivision of three lots into six lots. Ms. Andrews stated that on May 8, 2018, the Board of Zoning

Adjustment approved variance requests for this project to allow a 9,600 s.f. minimum lot size and a 25' front-yard setback and 25' exterior side-yard setback. It was later discovered that the original site plan submitted with the variance had not accounted for the right-of-way dedication for the widening of Grand Avenue. As a result, the property dimensions submitted with the variance application were inaccurate. Ms. Andrews stated that the current variance application requests a minimum lot size of 9,260 s.f. She stated that the development plan is the same plan that was previously approved by the planning commission on September 11, 2018. Ms. Andrews stated that the only change in the development plan was the revised lot sizes.

Ms. Andrews stated that a neighborhood meeting was held on Thursday, February 21, 7:00 p.m. at the Fort Smith Library, 3201 Rogers Avenue. Four property owners attended the meeting and had no objections to the variance. A second neighborhood meeting was held Wednesday, March 6, 6:00 p.m., at the Fort Smith Library, 3201 Rogers Avenue. Four property owners attended the meeting and had no objections.

Brett Abbott was present to represent the application. Roberta Parks of 1116 North 49th Street spoke. She stated that she had no opposition to the project but asked Mr. Bailey if the UDO definition of duplex had been revised. Mr. Bailey stated responded that the planning commission had not yet reached a final answer.

Chairman Keesee called for a motion on the variance. Commissioner Cooper moved, seconded by Commissioner Sharpe, to approve the request, subject to the following staff comments:

1. Planning Commission approval of the companion development plan.
2. Planning Commission approval of the preliminary and final plats for Sutton Place, Block 10, Lots 4A, 4B, 5A, 5B, 6A & 6B.
3. Lot line adjustments are acceptable, but no lot shall be less than the approved minimum lot size.

Chairman Keesee called for a vote. The vote was 8 in favor and no opposition. Chairman Keesee announced the item was approved.

RECESS BOARD OF ZONING ADJUSTMENT **CONVENE PLANNING COMMISSION**

- 12. Sutton Place – Preliminary Plat, Block 10, Lots 4A, 4B, 5A, 5B, 6A, and 6B- A request by Phillip Leraris.**
- 13. Sutton Place – Final Plat, Block 10, Lots 4A, 4B, 5A, 5B, 6A, and 6B- A request by Phillip Leraris.**
- 14. Development Plan #2-3-19 – A request by Brett Abbott, agent for Keith Lau, for Planning Commission consideration of a development plan request for a duplex development at 1001, 1011 and 1021 North 49th Street**

Ms. Andrews stated that staff recommended approval of the preliminary and final reports with the following comments:

1. Board of zoning approval of the companion variance application.
2. The developer must agree to meet all franchise and City Utility Easement Requirements.
3. After all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the Sebastian County Clerk.

Chairman Keesee called for a motion for item 12. Commissioner Cooper moved, seconded by Commissioner Sharpe, to approve the request, subject to staff comments. There was no discussion. Chairman Keesee called for a vote. The vote was 8 in favor and no opposition. Chairman Keesee announced the item was approved.

Chairman Keesee called for a motion on item 13. Commissioner Newton moved, seconded by Commissioner Taylor, to approve the request, subject to staff comments. Chairman Keesee called for a vote. The vote was 8 in favor and no opposition. Chairman Keesee announced the item was approved.

Ms. Andrews stated that staff recommended approval of the development plan with the following comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. Compliance with the following special conditions offered by the Developer and approved by the Planning Commission on September 11, 2018:
 - a. The guest parking shall be eliminated to allow for more greenspace/landscaping. In exchange for taking out the guest parking, "No Parking" signs shall be placed along the street in front of the development.
 - b. A landscape buffer shall be installed along the front of the property
 - c. Trash and recycle cans shall be screened under the stairs in the parking area
 - d. No traffic will be able to pass through between 48th and 49th streets to control traffic on each side of the development, eliminating the drive connections from east/west
 - e. No multi-tenant leasing allowed - each unit will be under 1 lease
 - f. Signage will be installed on the property stating "Tenant Parking Only" to deter guest parking on the property

- g. Occupancy of each unit shall be limited to one person per room or no more than 4 per each side of the duplex within the limits of the law.
- h. Drainage of the property shall be designed by an engineer.
- i. One unit will be reserved to an on-site manager at a reduced-rent rate in exchange for management services
- j. The developer shall collaborate with the city traffic engineer and a contracted engineering service for a traffic study to look at potential impact on the neighborhood. Ms. Andrews stated that the developer had complied with this requirement and noted that a copy of the traffic report had been provided to the planning commission.

Chairman Keesee called for a motion for item 14. Commissioner Newton moved, seconded by Commissioner Laster, to approve the request, subject to staff comments. There was no discussion. Chairman Keesee called for a vote. The vote was 8 in favor and no opposition. Chairman Keesee announced the item was approved.

There being no further business, the meeting adjourned at approximately 7:00 p.m.